

38550

Customer Number

JC06 Rec'd CT/PTO 17 AUG 2005

Patent
Case No.: CGL01/0114US01

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Fox, Eugene J.

Application No.: 10/521,122 Group Art Unit:

Int'l Appl'n No.: PCT/US03/22949 Int'l Filing Date: July 22, 2003

Title: PROCESS FOR PRODUCING FERMENTATION FEEDSTOCK FROM EXTRUDED CEREAL MATERIAL

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC § 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date

Aug 12, 05

Signed by: Theta MacArthur

Theta MacArthur

Dear Sir:

This is in response to the Notification of Missing Requirements Under 35 USC § 371 in the United States Designated/Elected Office (DO/EO/US). A copy of this Notification is enclosed.

The Notification indicates that the oath or declaration is missing. Therefore, enclosed is an executed Declaration and Power of Attorney for the above-identified application.

Please charge the surcharge provided in 37 CFR § 1.492(e), and if necessary, charge any additional fees, or credit any overpayment to Deposit Account No. 50-2342.

Respectfully submitted,

August 12-2005
Date

By:

Gretchen M. Pesek
Gretchen M. Pesek, Reg. No.: 54,372

Telephone No.: (952) 742-2571

CARGILL, INCORPORATED

Law Department

P.O. Box 5624

Minneapolis, MN 55440-5624

Facsimile No.: (952) 742-6349

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

		Complete if Known	
		Application Number	10/521,122
		Filing Date	July 22, 2003
		First Named Inventor	Fox, Eugene J.
		Examiner Name	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	
TOTAL AMOUNT OF PAYMENT \$130.00		Attorney Docket No.	CGL01/0114US01

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 50-2342 Deposit Account Name: Cargill, Incorporated

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>	
	<u>Fee (\$)</u>	<u>Small Entity Fee(s)</u>	<u>Fee(\$)</u>	<u>Small Entity Fee(s)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee(s)</u>
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEESFee Description

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee(\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity Fee(\$)</u>	<u>Fee(s)</u>
-20 or HP =	X	50	=	50	25
Each claim over 20 (including Reissues)				200	100
Each independent claim over 3 (including Reissues)				360	180

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee(\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
-20 or HP =	X	50	=	Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee(\$)</u>	<u>Fee Paid (\$)</u>
-3 or HP =	X	200	=

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 Sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
-100=	150=	(round up to a whole number) X		

<u>4. OTHER FEE(S)</u>	<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Late oath or declaration Surcharge	\$130.00

SUBMITTED BY		Registration No.	Telephone
Signature		54,372 (Attorney/Agent)	(952) 742-2571
Name (Print/Type)	Gretchen M. Pesek	Date	August 12, 2005

08/22/2005 ATRAN1 00000161 502342 10521122

01 FC:1617 130.00 DA

Rec'd PCT/PTO 17 AUG 2005

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

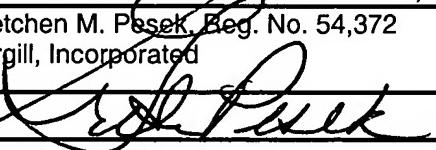
(to be used for all correspondence after initial filing)

		Application Number	10/521,122
		Filing Date	July 22, 2003
		First Named Inventor	Fox, Eugene J.
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	11	Attorney Docket Number	CGL01/0114US01

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, attached PTO 1449, and _____ references <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Response to Notification of Missing Requirements Under 35 USC 371 <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Declaration and Power of Attorney under 37 CFR 1.63 <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): A copy of Notification of Missing Requirements Under 35 USC 371 and Return-Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual name	Gretchen M. Pesek, Reg. No. 54,372 Cargill, Incorporated
Signature	
Date	August 12, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Theta MacArthur		
Signature		Date	August 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,122	Eugene J Fox	CGL01/0114US01
INTERNATIONAL APPLICATION NO.		
PCT/US03/22949		
I.A. FILING DATE	PRIORITY DATE	
07/22/2003	07/23/2002	

38550
 CARGILL, INCORPORATED
 LAW/24
 15407 MCGINTY ROAD WEST
 WAYZATA, MN 55391

CONFIRMATION NO. 4801
 371 FORMALITIES LETTER
 OC000000016256222
 OC000000016256222

Date Mailed: 06/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/12/2005
- Copy of the International Search Report filed on 01/12/2005
- Copy of IPE Report filed on 01/12/2005
- Preliminary Amendments filed on 01/12/2005
- Information Disclosure Statements filed on 01/12/2005
- U.S. Basic National Fees filed on 01/12/2005
- Priority Documents filed on 01/12/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,



WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,122	PCT/US03/22949	CGL01/0114US01

FORM PCT/DO/EO/905 (371 Formalities Notice)